

## Theresa Rice

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**From:** Jess Browning [JHBrowning@comcast.net]  
**Sent:** Monday, June 18, 2012 10:01 AM  
**To:** Council; Anne Blair; Sarah Blossom; Steve Bonkowski; Steve Bonkowski; Kirsten Hytopoulos; Debbi Lester; Bob Scales; David Ward  
**Cc:** CityAdmin; PCD  
**Subject:** Nonconforming structures and uses

In the SMP, "nonconforming" is a term used for lawfully established development that includes "uses" and "structures". As worded, it means "legally nonconforming". Although the term was established long ago, used in its present sense, it is an "oxymoron" and should be removed from the COBI's SMP as allowed by SSB 5451.

An oxymoron is a figure of speech that combines contradictory terms. For example:

- Dark light
- Living dead
- Open secret
- Bitter sweet
- Deafening silence
- Dry Drunk
- Forward retreat
- Noisy silence
- Quiet riot
- Sweet sorrow
- Bricked-up windows
- Electric candles

And "legally nonconforming"

Use of the term "nonconforming" as stated can lead to misunderstand in the future as people in responsible positions change. For example a "nonconforming house" could be ruled unfit for habitation by some inspector in the distant future. The use of the term also implies that "nonconforming" structures and uses should be eliminated over time.

NOTE: It should be made clear in the SMP that all existing legally constructed homes, appurtenant structures, and normal residential uses, including lawns, landscaping and recreation areas, are "grandfathered" as "conforming" and that new change or development be mitigated under the "No Net Loss" standard and other provisions of the SMP.

Sincerely,

Jess Browning, Ph.D.  
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